

Purpose

To establish a departmental policy for the use of audio recorders during public contacts by designated employees of the Department. The recording of citizen contacts can be beneficial to the department and individual officers for two primary reasons. First, recorded statements obtained from victims, witnesses and/or suspects can be critical to a successful prosecution. Second, recorded conversations can protect officers from false accusations and assist in the resolution of citizen complaints.

Policy

It shall be the policy of this Department for designated employees to record citizen contacts, to include but not be limited to, traffic stops, suspect interviews, witness interviews, victim interviews and any other citizen contacts while performing law enforcement duties.

The decision on whether or not to record a citizen contact will be left to the discretion of the individual officer/employee. No negative or disciplinary action shall occur for an officer/employee failing to or deciding not to record any incident. However, it is strongly recommended that officers record citizen contacts.

Procedure

- A. All sworn officers will be issued a portable audio recording device. Once issued, each officer will be responsible for the appropriate care and operation of the device. The Department will provide all maintenance, batteries, belt holders, and any other accessories necessary for the standard operation of the device.
 - 1. Broken or malfunctioning recorders and accessories are to be reported to the immediate supervisor as soon as possible.
 - 2. The officer shall complete and submit a memorandum to the Watch Commander detailing the type of problems(s). The Watch Commander will issue the officer a replacement recorder.
- B. Sworn personnel should attempt to record all citizen contacts while conducting law enforcement duties. It is recommended that officers tape record each and every citizen contact in their entirety. Citizen contacts include interviews with victims, witnesses and suspects in criminal investigations or calls for police services that would bring an officer into contact with the public. Investigative personnel conducting follow-up investigations outside the department will follow the same rules as uniformed officers when obtaining victim, witness or suspect statements.
- C. Whenever possible, the recorders should be started just prior to the citizen contact. The contact should be recorded in its entirety.
- D. Citizen contacts made during casual encounters need not be recorded.
- E. Officers shall not jeopardize their safety in order to operate their recorders. Officers suddenly confronted with an unexpected event should react to any potential threats to protect themselves and others first before they attempt to activate their recorders.
- F. The recorders are not to be used for personal matters or the recording of contacts with supervisors or other members of the department. Employees shall not secretly record any conversation with any other City employee.

- G. In the event that an officer inadvertently records a conversation, (accidentally leaves his/her recorder on, or accidentally pushes the record button) the officer must contact a supervisor (generally the Watch Commander) and advise him/her of the need to erase that portion of the tape containing the inadvertent conversation. The officer shall also notify the recorded person(s) of the inadvertent recording (if reasonable available). No attempt or effort should be made by anyone to review or listen to the inadvertent recording.

The Watch Commander or supervisor contacted shall take those steps necessary to ensure the erasure of the inadvertent recording. The Watch Commander or supervisor will prepare a report to the appropriate division commander containing the name of the concerned employee and the date/time of the erased portion of the inadvertent recording.

- H. The intent of the tape recorder program is to collect a daily record of citizen contacts by officers to be utilized in criminal investigations and the investigation of personnel complaints. The review and extraction of any recording from the database of recordings will be for use only in a criminal investigation or the investigation of a citizen's complaint. Random auditing of the data base of recordings by any Department personnel shall not be conducted. It is a violation of this policy for any employee to randomly review the recordings in order to initiate disciplinary actions regarding instances of violation of policy or procedures. Recordings shall only be reviewed for the limited purpose of providing evidence in criminal cases and/or for addressing citizen complaints. Recordings shall not be used for the auditing of routine activity not related to criminal cases or allegations of misconduct. Recordings shall also not be reviewed for employee evaluation purposes.
- I. When a record must be reviewed and/or a duplicate copy of the recording must be made for a criminal investigation or a personnel complaint investigation, the employee requesting the recording must complete the approved Departmental form contained in this procedure. In the case of a criminal investigation, the Detective Sergeant or his designee has the authority to authorize a review. In the instance of a personnel complaint investigation, the authorization must be obtained from the Chief of Police or when not available, the Captain.
- J. If an officer is to be interviewed in the course of a personnel complaint investigation, the involved officer(s), including witness officers, shall be allowed, prior to being interviewed, to review and/or make a copy of the record regarding the incident of his/her involvement.
- K. Officers are allowed to store a personal copy of their own recordings. Prior to or at the time of downloading their recordings, officers are allowed to produce an additional copy of their own recordings for their personal records. The Department will have equipment available necessary to accomplish this process. Once the recordings have been downloaded, officers must obtain authorization from the Chief of Police to obtain a copy of their own recordings.

Storage and Identification of Recordings - Evidence

The Department will maintain a computer that will serve as the storage device for all recordings made by Officers. At the beginning of each patrol shift each Officer shall examine their recorder to determine if there is sufficient memory to record a routine shifts worth of contacts. If it does not appear that sufficient memory is available the officer will "download" the contents of the recorders memory onto the computer. The Department will retain the recordings for six months as prescribed by law at which time the recordings will be purged. Exceptions to this purge criteria shall be recordings associated with civil or criminal cases that have yet to be adjudicated, and sustained internal affairs investigations.

Issued: April - 2002, mjl

Hermosa Beach Police Department Audio Recording Request Form

(Please Print)

Date of Request: _____

Request Initiated By: _____

Date/Time Needed: _____

☐ Criminal Investigation CR# _____

☐ Personnel Complaint Investigation CR# _____

Date and Time of Incident: _____

Reason for Request:

Account Name Information was Downloaded Under:

E-Mail Address (If you are unable to come to the station)
